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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,234	05/04/1999	GEORGE V. GUYAN	AND1P065	1833

7590

06/03/2002

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 06/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/305,234

Applicant(s)

GUYAN ET AL.

Examiner

Sam Rimell

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2175 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Newly submitted claims 22-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 22-31 are addressed to a system which is defined by the combination of a processor, task engine software and task assistant user interface. Claims 1-21 are drawn to computer software. Claims 22-31 define a first group and claims 1-21 define a second group which are each subcombinations usable together. Since each of the subcombinations has separate utility, the two groups define independent and distinct inventions.

Since applicant has received an action on the merits for the originally presented group defined by claims 1-21, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-31 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lau ('247).

The reasons for this rejection were set forth in the office action of May 9, 2001 and is hereby incorporated by reference.

Remarks

Applicant's arguments regarding the application of the Lau reference have been considered but are not well taken.

Applicant argues that the data component (308) of Lau does not actually manipulate data. However, the claims do not state exactly how the data is manipulated, or define the kind of manipulation that takes place. Thus virtually any activity that involves the data, such as transmission, receipt, storage or retrieval read as forms of data manipulation. In the Lau data component, all four of these activities take place, so the teachings of Lau are maintained as meeting claim limitations calling for "manipulation" of data.

Applicant argues that the business logic design of Lau is not a business component and does not include a data cache or any kind of logic. This argument is not well taken. The business logic design of Lau is described in detail in column 9, lines 1-33. In particular, it is set of objects and relationships for those objects which are defined by the user. Accordingly, it includes both data and rules that provide relationships for that data. The business logic design is not devoid of data nor devoid of logic. It includes both, and forms the initial design for the final object oriented program that is compiled and sent to the persistent storage device (308).

Applicant argues that the display device (306) does not read as a controller component. However, examiner never stated that this was the controller component. The controller component was described in the first office action as the element (305), not the element (306).

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Applicant further argues that Lau does not disclose either tasks or rules, or a client component using tasks or rules. These arguments are not well taken. The entire purpose of the Lau invention is to generate software that performs tasks based on user defined rules. One such task is obtaining a customer name so as to start an insurance policy, and is explicitly defined in the third pane of FIG. 5. A rule is an association of a customer with an agent, and is explicitly identified in the second pane of FIG. 5. These tasks and rules are defined by a user operating on the client portion of the system (300), which is the client component. There is no basis for the presumption that Lau lacks the teaching of tasks, rules or a client component.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175 3626